

007 SITING, DESIGN AND CONSTRUCTION OF PUBLIC WATER SUPPLY SYSTEMS

007.01 Siting. All wells, treatment and storage facilities, and other appurtenances necessary for the continued operation of a community water supply system shall be located as to:

007.01A Assure against damage or breakdown as a result of floods, fire, earthquakes, or other natural disasters;

007.01B Prevent contamination of the drinking water by existing sources of pollution;

007.01C Permit control, by the owner, over the location of future potential sources of contamination within the proximity of the system in order to prevent or minimize any hazard to the safety of the drinking water; and

007.01D Provide a sufficient property interest for the owner of the public water supply system in order to operate, maintain and replace the system components.

007.02 Design. Plans and specifications for all major construction, extension or alteration to community water supply systems shall be prepared by a registered professional engineer and shall be submitted to the Director for review and written approval prior to entering into a financial commitment for construction, the awarding of a contract, or the beginning of construction.

007.02A Plans and specifications shall be submitted for the following types of projects:

007.02A1 All components of new water supply systems;

007.02A2 New wells and intake structures;

007.02A3 Alterations that influence the capacity of existing wells or intake structures;

007.02A4 New treatment plants and modifications to existing treatment plants;

007.02A5 Installation of chemical feed equipment beyond replacement of existing equipment;

007.02A6 Storage facilities and repair to existing storage facilities, including interior lining, painting and/or coatings;

007.02A7 Pump stations;

007.02A8 Transmission mains from the source of supply to the service area; and

007.02A9 Replacement of mains within a service area for the purpose of balancing pressure or improving the efficiency of the distribution system.

007.02B Submission of plans and specifications is not required for extension of water mains within an established service area.

007.02C Plans and specifications shall be reviewed for general conformance with "Guidelines for Water System Design", herein incorporated by reference as Attachment 1, published and distributed by the Director to reflect current technology in the design of public water supply systems and their components, and shall be:

007.02C1 Presented in legible form and of sufficient scale to establish construction requirements and facilitate effective review;

007.02C2 Submitted by the engineer in triplicate and in sufficient time to permit thirty working days for review and comment or approval and with time for the incorporation of changes if required;

007.02C3 Amended in a manner that will alter the function or efficiency of components which may affect the chemical quality of the water only after change orders directing such amendments are approved by the Director;

007.02C4 Replaced by "as built" plans when change orders reflect relocations or affect the operation or replacement of the improvement, and supplemented by information relative to the location of other utilities, basis of design performance of proprietary materials or products and similar information, as may be requested by the Director.

007.02D An initial fee for the review of plans and specifications for the types of projects described in subsection 007.02A shall be submitted with the plans and specifications to be reviewed and in the amount of one hundred dollars plus five tenths of one percent of the engineers estimate of the cost of the project, alteration or improvement described in the documents to be reviewed but such total fee shall not exceed \$7,600 and:

007.02D1 Documentation of the contract or actual cost of the project shall be provided to the Director by the engineer or owner of the system for the purpose of determining the final fee amount;

007.02D2 Payment of the final fee amount based on one hundred dollars plus five tenths of one percent of the engineers estimate of the contract or actual cost of the project, whichever is larger, shall be made before the project is placed in service;

007.02D3 Failure to pay the final fee amount shall constitute cause to deny or revoke the permit to operate the system as required by Section 008 of this rule.

007.03 Construction. All major construction, extensions or alterations shall be completed in accordance with approved plans and specifications or approved change orders and shall comply with the following requirements:

007.03A No part of a community water supply system falling within the definition of major construction shall be placed in service prior to: certification by the owner or designated representative of the owner for conformance to the approved plans and specifications or approved change orders; a final inspection; and issuance of approval by the Director;

007.03B Any part of community water supply system falling within the definition of major construction found not to be constructed in accordance with approved plans and specifications or change orders, or for which plans and specifications were not approved, shall not be placed in service until such time as the Director determines the construction to be in conformance with current published guidelines;

007.03C Construction of water distribution mains within an established service area and not requiring prior approval, shall be accomplished in the manner specified in the "Guidelines for Water System Design".

007.04 Distinctions Applied to Non-Community Water Supply Systems. The owner of a non-community water system may:

007.04A Accomplish construction, extension or alteration to the system in the same manner applicable to the siting, design and construction of community water supply systems; or

007.04B Report to the Director any intention to locate, construct, extend, or alter a public water supply system and complete the work in accordance with TITLE 178, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 12, REGULATIONS GOVERNING WATER WELL CONSTRUCTION, PUMP INSTALLATION AND WATER WELL ABANDONMENT STANDARDS.

007.05 Declaratory Ruling About Substantially Equivalent Siting, Design and Construction.

007.05A No siting, design or construction for a Public Water Supply System shall be carried out by a procedure which is inconsistent with these regulations unless the Director makes a declaratory ruling that such siting, design or construction is substantially equivalent to the standards prescribed in these regulations.

007.05B Any owner of a Public Water Supply System may request a declaratory ruling by the Director.

007.05B1 Such a request must be submitted in writing at least thirty (30) days prior to the initiation of construction or alteration of the Public Water Supply System involved, unless good cause is shown for a shorter review period.

007.05B2 The request shall include a description of the design; material(s), and/or construction procedure(s) proposed (including appropriate plans and specifications); identify the procedure or material required by the prescribed standards and include proof of the alleged equivalency and such written arguments as are deemed appropriate by the requesting party and/or the Director. Such request shall be submitted by a Registered Professional Engineer.

007.05B3 Such request shall be made generally in accordance with 184 NAC 1.008, Rules of Practice and Procedure Regarding Declaratory Rulings, but unless the requesting party at the time of the request demands a hearing thereon, the matter will be deemed submitted on the written request, attachments thereto and facts of which the Director takes judicial notice.

007.05B4 Any ruling issued by the Director hereunder shall be binding between the Director and the requesting party on the facts alleged unless it is altered or set aside by a court. The Director may, in situations when the submission of the request thirty (30) days in advance would result in an immediate environmental threat, significant economic hardship on or pose a health threat to the owner or other persons, waive the thirty (30) day review period.